

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Laredo National Bancshares Inc., et al.,)	Civil Action No. 1:00 CV 2081
)	
Plaintiffs,)	Judge Lesley Wells
)	Magistrate Judge Nancy Vecchiarelli
vs.)	
Donald E. Schulz, et al.,)	Plaintiffs= Motion for Enlargement of Time Within Which to Respond to Defendant=s Motion to Add New Party Plaintiff
Defendants.)	

Now come the plaintiffs, by and through the undersigned counsel, and move this Honorable Court for an order, pursuant to Fed. R. Civ. P. 6(b)(1) and LR 7.1, enlarging the time within which plaintiffs may respond to defendant=s motion to add a new party plaintiff to this case. Plaintiffs were served on Monday, June 4, 2001, and seek an enlargement of the time within which an opposition memorandum must be filed until June 27, 2001. A brief in support of this motion is attached.

Respectfully submitted,

/s/ Patrick M. McLaughlin

Patrick M. McLaughlin (0008190)
John F. McCaffrey (0039486)
Colin R. Jennings (0068704)
McLAUGHLIN & McCAFFREY, LLP
Eaton Center, Suite 1350
1111 Superior Avenue
Cleveland, Ohio 44114-2500
(216) 623-0900 - Telephone
(216) 623-0935 - Facsimile
pmm@paladin-law.com

Ricardo G. Cedillo
Jason R. Cliffe
DAVIS, CEDILLO & MENDOZA
Harte-Hanks Tower, Suite 400
200 Concord Plaza Drive
San Antonio, Texas 78216-6950
(210) 822-6666 - Telephone
(210) 822-1151 - Facsimile

Counsel for plaintiffs

BRIEF

Defendant Donald Schulz seeks unusual relief in his motion seeking to add a foreign national as a new party plaintiff. As the basis for the motion, defendant asserts that Mr. Carlos Hank Rhon is the driving force behind this litigation and as such should be included as a named party, both for his own benefit and for that of the Defendant.[®] Defendant's motion, at unnumbered p. 4. The plaintiffs intend to oppose defendant's motion.

However, due to the unusual nature of the motion and the press of litigation and other business matters, the undersigned counsel require additional time within which to research and prepare an opposition brief. Last week, for example, the undersigned counsel traveled to Baltimore, Maryland on June 6th for the discovery deposition of Daniel Huffman in this litigation, which occurred on June 7-8, 2001. This week, the undersigned counsel are required to travel outside the district during the period June 13-14, 2001 in the case of *Joceyln Tompkin v. American Brands, Inc., et al.*, Civil Action No. 5:94CV1302 (Judge David D. Dowd, Jr.), which is scheduled for trial in mid-August. Further, in the *Tompkin* litigation numerous expert witness depositions are in process for the remainder of this month in order to adhere to the court imposed expert witness discovery cutoff of June 29,

2001. In addition, co-counsel is in trial and expects the trial to last until on or about June 22, 2001.

For these litigation reasons, and other business matters, plaintiffs request an enlargement of time until June 27, 2001 within which to brief in opposition to defendant's motion. Counsel for defendant has advised that he does not oppose this motion. This motion is not made for any purpose of delay.

Conclusion

For the reasons set forth herein, plaintiffs respectfully move this Court for an order enlarging the time until June 27, 2001 within which to file a brief in opposition to defendant's motion to add a new party plaintiff to this litigation.

Respectfully submitted,

/s/ Patrick M. McLaughlin _____
Patrick M. McLaughlin (0008190)
John F. McCaffrey (0039486)
Colin R. Jennings (0068704)
McLAUGHLIN & McCAFFREY, LLP
Eaton Center, Suite 1350
1111 Superior Avenue
Cleveland, Ohio 44114-2500
(216) 623-0900 - Telephone
(216) 623-0935 - Facsimile
pmm@paladin-law.com

Ricardo G. Cedillo
Jason R. Cliffe
DAVIS, CEDILLO & MENDOZA
Harte-Hanks Tower, Suite 400
200 Concord Plaza Drive
San Antonio, Texas 78216-6950
(210) 822-6666 - Telephone
(210) 822-1151 - Facsimile

Counsel for plaintiffs

Certificate of Service

I hereby certify that a copy of the foregoing Plaintiffs= Motion for Enlargement of Time Within Which to Respond to Defendant=s Motion to Add New Party Plaintiff was filed electronically. Notice of this filing will be sent to all parties by operation of the Court=s electronic filing system on this the 12th day of June, 2001. Parties may access this filing through the Court=s system. A copy was also served by ordinary U.S. Mail upon Philip J. Weaver, Jr., Smith, Marshall, Weaver & Vergon, counsel for defendant , 500 National City - East Sixth Building, 1965 East Sixth Street, Cleveland, Ohio 44114-2298 on this the 12th day of June, 2001.

Patrick M. McLaughlin